

**TOWN OF NEEDHAM  
INJURY ON DUTY POLICY #418  
FIRE CHIEF**

The following procedures shall be followed with regard to work-related illness or injury.

**A. Initial Treatment**

1. In the event that the Fire Chief, while in the performance of his or her duties, becomes ill or injured because of his/her duties and requires immediate medical care, he/she shall be treated first at the Town-designated medical facility (currently the Deaconess Glover Hospital) unless emergency conditions clearly necessitate use of an alternate facility. Subsequent medical care that may be required may be obtained by the employee from a provider of his/her choice.
2. The initial treating physician or his/her designee will complete an occupational health report.
3. A copy of the initial occupational health report will be forwarded to the Personnel Director by the Fire Chief, his or her designee, or the treating physician as soon as practicable.
4. The Town shall indemnify and hold harmless the Fire Chief from the payment of medical bills if he/she is required to receive initial treatment at a Town-designated medical facility and is later determined not to be eligible for IOD benefits.

**B. Reporting**

1. Whether or not medical attention is sought, if the Fire Chief suffers an alleged work-related illness or injury, he/she must submit a complete written report to the Personnel Director as soon as possible whenever a job-related illness or injury occurs.
2. The Chief must complete the Injured on Duty form approved by the Town of Needham and submit it to the Personnel Director within 24 hours of illness or injury, except in emergency situations, or, if in the opinion of the Personnel Director, such late submission is reasonable and necessary under the circumstances.

**C. Acceptance of Injury on Duty Cases**

1. All requests for Injured on Duty benefits must be made to the Personnel Director and then formally accepted by the Board of Selectmen or its designee.
2. A Fire Chief requesting Injury on Duty leave shall make a request for such benefits using a form approved by the Town and shall execute and deliver to the

Personnel Director a release for all medical and hospital records pertaining to said injury on a form provided by the Town.

3. The Board of Selectmen or its designee shall make an initial determination as to the Chief's entitlement to Injury on Duty benefits.
4. The Fire Chief will be placed on non-occupational sick leave pending the review of his/her entitlement to IOD benefits.
5. A Fire Chief requesting benefits under this section must provide medical certification from his/her treating physician documenting the nature of the injury/illness, the prognosis for further treatment and expected return to work, and the physician's opinion as to causality. Such documentation is to be provided to the Personnel Director within seven calendar days.
6. A Fire Chief requesting benefits under this section may be required to submit to a physical or psychological (if psychological injury is claimed) examination (limited to matters involved in the injury) by a Town-designated medical provider within 14 calendar days of the request for benefits and at the expense of the Town, to corroborate the certification by the treating physician.

**D. Reimbursement for Medical Expenses – Approved IOD Status**

1. The Fire Chief shall be responsible for obtaining all reports and bills relating to his/her examinations and treatment. Such bills should be submitted to the Personnel Director. No bills will be paid by the Town until all reports relating to the examination or treatment have been received by the Town.
2. The Board of Selectmen or its designee will monitor the payment of medical expenses as part of a medical case management program. The Town will not be financially responsible for the payment of bills for any medical, psychological or chiropractic personnel or facility engaged by the employee unless advance approval is obtained, except for treatment received in an emergency situation.
3. The Town will pay reasonable and customary charges as determined by the Board of Selectmen/designee. Failure to receive advance approval may result in the Chief's being responsible for any balance between the billed amount and the approved payment amount.

**E. Termination of Injured on Duty Status**

1. A Fire Chief who has been determined to be eligible for IOD benefits by the Town of Needham shall have IOD pay under c. 41 s. 111F, but not indemnification under c. 41, s. 100, terminated if any of the following takes place:
  - a. The Fire Chief returns to full duty or limited duty (except that the Town will continue to pay for reasonable and customary medical expenses relating to said injury after the employee has returned to work).
  - b. The Fire Chief retires or is pensioned in accordance with Mass. General laws.
  - c. The Fire Chief unreasonably or without justification fails to comply with all obligations as required by this policy after written notice of such failure and steps to be taken to correct such failure have been given and a reasonable time allowed for compliance.
  - d. The Fire Chief resigns from the department.
  - e. The Fire Chief is terminated for just cause, unrelated to his/her IOD status and in accordance with applicable law.
  - f. A physician designated by the Board of Selectmen determines that the employee is no longer incapacitated for duty, unless the Fire Chief elects to follow the procedures outlined in paragraph (g) below.
  - g. If a physician designated by the Board of Selectmen believes that the employee is no longer incapacitated for duty and the Fire Chief's physician disagrees, the Fire Chief, or if the Fire Chief so designates, the Fire Chief's physician, shall contact the Town's physician within seven (7) days or receiving the Town physician's report. If the Fire Chief or the Fire Chief's physician fails to contact the Town's physician within seven (7) days, the decision of the Town's physician shall be final and binding. The Town's designated physician shall confer with the Fire Chief or the Fire Chief's physician on the question of the Fire Chief's ability to return to work and they shall attempt to reach agreement. If they agree that the Fire Chief can return to work, IOD benefits, and if appropriate, indemnification under c. 41, s. 100 shall terminate. If after discussion they fail to reach agreement, they shall jointly select a third physician. Failure or refusal of the Fire Chief or the Fire Chief's physician to cooperate in this selection can void any obligation by the Town to appoint a third physician and the decision of the Town's physician shall be final and binding.

The Town or its physician shall make an appointment for the Fire Chief with the third physician and shall advise the Fire Chief of the time, date

and place. Except for emergency, the Fire Chief shall report to and full cooperate with the third physician.

An election by the Fire Chief to utilize the third physician option permitted hereunder shall be a binding election of remedies and shall preclude any right to bring an action or challenge the decision of the third physician either pursuant to MGL c. 41 s. 111F or pursuant to the grievance/arbitration procedures under this contract. The decision of the third physician shall be final and binding without right of appeal by either party. The cost of the third physician shall be borne by the Town.

Nothing herein shall preclude the Town from sending the Fire Chief to a Town-designated physician for re-examination at any time, provided that the Town shall not re-examine the employee less than thirty (30) days after a third physician has examined the employee.

- h. The applicable general laws, as amended, provide for other reasons for termination of IOD benefits.

**F. Convalescence**

1. A Fire Chief who has been approved for IOD status shall not engage in any gainful employment except with permission of the Board of Selectmen.
2. When so ordered, a Fire Chief who has been approved for IOD benefits shall report for physical/psychological examinations, including Independent Medical Examinations (IME's) at the expense of the Town and at reasonable intervals to determine whether the treatment being sought is appropriate or whether the Fire Chief is still incapacitated.
3. A Fire Chief who has been approved for IOD status shall comply with all requests for information, or other medical case management requirements, related to the illness/injury, by the Town or its designee.

- G. **Applicability** The provision contained herein shall apply to all new cases, cases on-going as of the date of this policy and/or recurrences of old cases.